

State Water Resources Control Board

CLEAN WATER ACT §401 WATER QUALITY CERTIFICATION APPLICATION FORM

(Use only for multi-regional projects, otherwise use the appropriate Regional Board application form)

1. APPLICANT/AGENT INFORMATION


a) Applicant: Michael Bradbury	b) Agent ¹ : Karen Shaffer
Address: 901 P Street, Suite 411b Sacramento, CA 95814	Address: Madrone Ecological Consulting 2617 K Street, Suite 175 Sacramento, CA 95816
Phone No. 916-651-2987	
Fax No.	Fax No.
E-mail Address: mike.bradbury@water.ca.gov	E-mail Address: kshaffer@madroneeco.com

Have you previously contacted the Regional Board staff regarding this project? If 'yes' provide information on date, person, and brief summary of subject matter.

DWR met with State and Regional Board staff on 1/6/2014 to discuss who would take jurisdiction over the section 401 certification for this project.

STATEMENT OF AUTHORIZATION

I hereby authorize Karen Shaffer to act in my behalf as my agent in the processing of this application, and to furnish upon request, supplemental information in support of this permit application.


Applicant's Signature

23 Sept 2015
Date

¹Complete only if applicable

2. PROJECT DESCRIPTION

a) Project Title: CALIFORNIA WATERFIX
b) Project Purpose: SEE CONTINUATION SHEET
c) Project Activities: SEE CONTINUATION SHEET
d) Proposed Schedule (start-up, duration, and completion dates): SEE CONTINUATION SHEET

3. FEDERAL LICENSES/PERMITS

a) Federal Agency(ies)/File Number(s): U.S. Army Corps of Engineers <u> X </u> Other _____ File No.(s) (if known) _____
b) Permit Type(s) (please provide permit number(s) if known): Nationwide Permit No.(s) _____ Regional General Permit No.(s) _____ Individual Permit <u> X </u> SPK-2008-00861 Other: _____
c) Does the project require any Federal Application(s), Notification(s) or Correspondence? Yes <u> X </u> (attach copy[ies]) No _____ (attach detailed explanation)
d) Provide copies of the license/permit/application. See TABS F and G

4. OTHER LICENSES/PERMITS/AGREEMENTS

a) Please list all other required, including local regulatory approvals (submit final or draft copy if available). Include information on any De-watering, NPDES, and Storm Water permits.			
Agency	License/Permit/Agreement	Permit No.	Approval Date
USFWS	Biological Opinion/Take Statement		pending
NMFS	Biological Opinion/Take Statement		pending
CDFW	Streambed Alteration Agreement		pending
CDFW	Section 2081(b) Take Permit		pending
SWRCB	New Point of Diversion		pending
SWRCB	NPDES Permit/De-Watering Plan		pending
SWRCB	NPDES Permit/Storm Water Permit		pending
CDFW and SWRCB	Instream Flow		pending
CVFPB	Central Valley Flood Protection Board Encroachment		pending
CA State Lands Commission	Lease of Sovereign		pending
US Coast Guard	Private Aids to Navigation		pending
b) Does the project require a Federal Energy Regulatory Commission (FERC) license or amendment to a FERC license? No <u> X </u> Yes _____ (attach application copy)			

5. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Indicate CEQA Document (submit final or draft copy if available*):

Type of CEQA Document	Date of filing of Notice of Exemption/ Preparation and Name of Lead Agency
Statutory Exemption/Class Title	
Categorical Exemption/Class Title	
Negative Declaration	
Mitigated Negative Declaration	
Environmental Impact Report	12/13/13 Notice of Preparation for Draft EIR Bay Delta Conservation Plan 7/9/15 Notice of Preparation for Recirculated Draft EIR Bay Delta Conservation Plan CA Dept. of Water Resources

Note: Ample time must be provided to the certifying agency to properly review a final copy of valid CEQA documentation before certification can occur.

6. APPLICATION FEE

Please select which fee category the project falls under. Submit the application fee associated with the type of project as indicated on the most current dredge/fill calculator found at:

http://www.waterboards.ca.gov/water_issues/programs/cwa401/.

For fee categories (A), (B) and (C), please submit an application fee of \$600. For fee categories (D) and (E), please submit an application fee of \$200.

(A) <input checked="" type="checkbox"/>	Fill & Excavation projects ➤ An additional application fee might be required after assessment of all impacts by the State Water Board, and is required to certify Fill & Excavation projects.
(B) <input type="checkbox"/>	Dredging Discharges
(C) <input type="checkbox"/>	Sand Mining Dredging Discharges
(D) <input type="checkbox"/>	Ecological Restoration and Enhancement Projects
(E) <input type="checkbox"/>	Low Impact Discharges
(F)	General Orders or general water quality certifications previously granted for CEQA Exempt Projects. Applicants requesting to enroll under general orders should locate the applicable general order and fill out the appropriate notice of intent located at: http://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.shtml
(G)	Emergency Projects authorized by a Water Board General Order. Applicants requesting to enroll under the general order for emergency projects should locate the applicable general order fill out the appropriate notice of intent located at: http://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.shtml

Annual fees will be based on the fee schedule at the time of billing. Follow the most current fee schedule posted at http://www.waterboards.ca.gov/water_issues/programs/cwa401/

Please make checks out to the State Water Resources Control Board.

Is a check enclosed? Yes No X

Check No.: _____

Amount: _____

7. PROJECT SITE DESCRIPTION – GENERAL (Include areas outside of US waters)

a) Project Location (attach map of suitable quality and detail): See TAB E

City or Area Sacramento-San Joaquin Delta

County Sacramento, San Joaquin, Contra Costa and Alameda

Longitude/Latitude The northern most component of the project is located at approximate Latitude 38.42° North and Longitude 121.51° West, while the southern-most component is located at approximate Latitude 37.80° North and Longitude 121.58° West.

b) Total Project Size: 9838 acres SEE CONTINUATION SHEET linear feet (if appropriate)

c) Site description of the entire project area (including areas outside of jurisdictional water of the US):
SEE CONTINUATION SHEET

8. WATER BODY IMPACT

a) **Water Body Name(s)**²:

Clearly indicate on a published map of suitable detail, quality, and scale (1:24K) to allow the certifying agency to easily identify the area(s) and water body(ies) receiving any discharge. SEE ATTACHED CONTINUATION SHEET, TAB C Table of Impacts, AND TAB D:MAPBOOK

b) **Fill and Excavation:** Indicate in ACRES and/or LINEAR FEET the proposed waters to be impacted, and identify the impacts(s) as permanent and/or temporary for each water body type listed below:

Water Body Type	Permanent Impact		Temporary Impact	
	Acres	Linear Feet	Acres	Linear Feet
Wetland ³	249.14			
Streambed	162.77			
Lake/Reservoir	328.48		1930.95	
Ocean/Estuary/Bay	--			
Riparian	35.03			
Non-Federal Waters	--			

Provide the name, title, and affiliation of person that carried out wetland delineation.

Jean Witzman, Program Manager I, California Department of Water Resources

c) **Dredging: Total** volume (cubic yards) of dredged material proposed for project.

7,000,000 cubic yards of material will be dredged from Clifton Court Forebay. An additional 300,000

cubic yards will be excavated from within Clifton Court Forebay at the base of the proposed berm and banks of the divided forebay.

d) Provide information on the Q₂, Q₁₀, Q₁₀₀ for pre- and post-project implementation:
SEE CONTINUATION SHEET

e) Indicate type(s) of material proposed to be discharged in waters of the United States:

rock, concrete, clean soil, reusable tunnel material, sheet piles

²Both US Army Corps of Engineer's jurisdictional- and non-jurisdictional water bodies.

³Per US Army Corps of Engineer's wetland delineation protocol.

9. COMPENSATORY MITIGATION (Please complete attached Mitigation Checklist)

- a) Is compensatory mitigation proposed? Yes X No
- b) Indicate in ACRES and LINEAR FEET (where appropriate) the total quantity of **waters of the United States** proposed to be Created, Restored, Enhanced, or Preserved. SEE CONTINUATION SHEET

Water Body Type	Created	Restored	Enhanced	Preserved
Wetland				
Streambed				
Lake/Reservoir				
Ocean/Estuary/Bay				
Riparian				
Non-Federal Waters				

c) If contributing to a Mitigation Bank provide the following: SEE CONTINUATION SHEET

Mitigation Bank Name:
 Name of Mitigation Bank Operator:
 Office Address of Operator/Phone Number:
 Mitigation Bank Location (Latitude/Longitude, County, and City):
 Mitigation Bank Water Body Type(s):
 Mitigation Area (acres or linear feet) and cost (dollar):

d) Provide/attach a map with suitable detail, quality, and scale (1:24K) that will easily provide information as to the location(s) and water body(ies) of the mitigation area.

10. THREATENED/ENDANGERED SPECIES

- a) Does the project require coordination with the US Fish and Wildlife Service or National Marine Fisheries Service under the Federal Endangered Species Act?
 Yes X (provide copies of Biological Report) No (provide basis of determination)

b) Does the project require coordination with the State of California Department of Fish and Game under the California Endangered Species Act?

Yes X (provide copies of Biological Report) No (provide basis of determination)

11. OTHER ACTIONS/BEST MANAGEMENT PRACTICES (BMPs)

Briefly describe other actions/BMPs to be implemented to Avoid and/or Minimize impacts to waters of the United States, including preservation of habitats, erosion control measures, project scheduling, flow diversions, etc.

SEE CONTINUATION SHEET

12. PAST/FUTURE PROPOSALS BY THE APPLICANT

Briefly list/describe any projects carried out in the last 5 years or planned for implementation in the next 5 years that are in any way related to the proposed activity or may impact the same receiving body of water. Include estimated adverse impacts.

Temporary barrier at the Head of Old River for fish control
Temporary barriers on Old River, Grant Line Canal, and Middle River for water surface elevation control
Georgiana Slough sound barrier for fish control
Skinner Fish Science Building at Clifton Court Forebay
Geotechnical investigations for BDCP/California WaterFix
Various levee repair programs

All projects underwent individual environmental analysis and received 404, 401, 1602 permits as needed.



Applicant's Signature (or Agent)

23 Sept 2015

Date

For further information please email:
http://www.swrcb.ca.gov/water_issues/programs/cwa401/docs/staffdirectory.pdf